

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LARRY TIES, and LORETTA A. TIES,)	
)	
Plaintiffs,)	4:09CV3172
)	
v.)	
)	
ALAN BRIAN STRAIN,)	FINDINGS, RECOMMENDATION
)	AND ORDER
Defendant/Third-)	
Party Plaintiff,)	
)	
v.)	
)	
SAHLING KENWORTH, INC.,)	
)	
Third-Party)	
Defendant.)	

Plaintiff Larry Ties did not comply with the court's order dated November 29, 2010 which required him to inform the court as to whether he intends to pursue this case pro se or with counsel, (filing no. [44](#)), and no attorney has entered an appearance on behalf of Larry Ties. The court's order warned that Larry Ties' failure to comply may result in dismissal of his case without further notice. Plaintiff Loretta Ties, the defendant, and the third-party defendant successfully mediated this case to settlement on January 6, 2011. Counsel for the defendant and plaintiff Loretta Ties have advised the court that Larry Ties did not attend the mediation despite receiving proper notice, (filing no. [47](#)).

IT THEREFORE HEREBY IS RECOMMENDED to the Honorable Richard G. Kopf, United States District Judge, pursuant to 28 U.S.C. § 636(b), that all claims brought by Larry Ties should be dismissed for want of prosecution.

The parties are notified that failing to file an objection to this recommendation as provided in the local rules of this court may be held to be a waiver of any right to appeal the court's adoption of the recommendation.

IT IS ORDERED: The clerk shall send a copy of this document to Larry Ties at his address of record.

January 31, 2011.

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge